

1 **William K. Hanagami, SBN 119832**
2 **THE HANAGAMI LAW FIRM**
3 **A PROFESSIONAL CORPORATION**
4 **5950 CANOGA AVENUE, SUITE 130**
5 **WOODLAND HILLS, CA 91367-5035**
6 **(818) 716-8570 / (818) 716-8569 FAX**
7 **BillHanagami@esquire.la**

8 **Abram J. Zinberg, SBN 143399**
9 **THE ZINBERG LAW FIRM**
10 **A PROFESSIONAL CORPORATION**
11 **412 OLIVE AVENUE, SUITE 528**
12 **HUNTINGTON BEACH, CA 92648-5142**
13 **(714) 374-9802 / (714) 969-0910 FAX**
14 **AbramZinberg@gmail.com**

15 Attorneys for Plaintiff and Qui Tam Relator,
16 Anita Silingo

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA, *ex rel.*
20 ANITA SILINGO,

21 Plaintiffs,

22 vs.

23 MOBILE MEDICAL EXAMINATION
24 SERVICES, INC., et al.,

25 Defendants.

Case No. SACV13-1348-FMO(JCx)

STIPULATION FOR ENTRY OF
ORDER TO SET ASIDE
DISMISSAL AND RE-OPEN
ACTION AGAINST
DEFENDANTS MOBILE
MEDICAL EXAMINATION
SERVICES, INC. AND MEDXM

26 COME NOW, Plaintiff and Qui Tam Relator Anita Silingo (Silingo), and defendants
27 Mobile Medical Examination Services, Inc. and MedXM, by and through their respective
28 attorneys of record, and recite and stipulate as follows:

WHEREAS, on March 18, 2016 Silingo filed her Notice of Settlement of Claims
Against Defendants Mobile Medical Examination Services, Inc. and MedXM (collectively,
“Subject Defendants”) (Dkt. 115) stating that such settlement is “subject to the approval of the
United States Government;” and

WHEREAS, on March 18, 2016 the Court issued its Order (Dkt. 116) dismissing this
action against the Subject Defendants “without costs and without prejudice to the right, upon

1 good cause shown, no later than April 28, 2016, to re-open the action as to the defendants if
2 the settlement is not consummated;" and

3 WHEREAS, Silingo and the Subject Defendants have agreed upon the form of the
4 Settlement Agreement, which requires the filing of a Stipulation for Dismissal of the claims
5 against the Subject Defendants that is consented to by the United States Attorney General as
6 required by 31 U.S.C. § 3730(b)(1); and

7 WHEREAS, counsel for Silingo recently spoke with Assistant United States Attorney
8 Susan R. Hershman, who advised that she is in the process of preparing a memorandum
9 concerning the Settlement Agreement and Stipulation for Dismissal for review by the Office
10 of the United States Attorney for the Central District of California (USAO), but that the
11 USAO's approval, if any, of such Settlement Agreement and Stipulation for Dismissal
12 probably will not be obtained before May 31, 2016 at the earliest, due in part to the
13 unavailability of one reviewer who is out of the country; and

14 WHEREAS, the terms of the Settlement Agreement and Stipulation for Dismissal
15 provide that Silingo does not dismiss her claim for a relator's share to be paid by the United
16 States Government pursuant to 31 U.S.C. § 3730(d)(2) and request that the Court retain
17 jurisdiction to determine, if necessary, the relator's share that Silingo should obtain pursuant
18 to 31 U.S.C. § 3730(d)(2); and

19 WHEREAS, the dismissal of the Subject Defendants pursuant to the March 18, 2016
20 Order (Dkt. 116) is required to be set aside so that pursuant to the Settlement Agreement and
21 Stipulation for Dismissal (a) the Court may retain jurisdiction to determine, if necessary, the
22 relator's share that Silingo should obtain pursuant to 31 U.S.C. § 3730(d)(2), and (b) Silingo's
23 *qui tam* claims against the Subject Defendants may be properly dismissed with the consent of
24 the Attorney General pursuant to 31 U.S.C. § 3730(b)(1).

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
2 PARTIES HERETO AND SUBJECT TO THE APPROVAL OF THE COURT THAT the
3 dismissal of the Subject Defendants pursuant to the March 18, 2016 Order (Dkt. 116) be set
4 aside, and the action be re-opened as to the Subject Defendants.

5
6 SO STIPULATED.

7 THE ZINBERG LAW FIRM
8 A Professional Corporation

9 THE HANAGAMI LAW FIRM
10 A Professional Corporation

11 Date: April 27, 2016

12 By: /s/William K. Hanagami
13 William K. Hanagami
14 Attorneys for Plaintiff and Qui Tam Relator,
15 Anita Silingo

16 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
17 DROOKS, LINCENBERG & RHOW, P.C.

18 Date: April 27, 2016

19 By: /s/Marc E. Masters
20 Marc E. Masters
21 Attorneys for Defendants, MedXM and Mobile
22 Medical Examination Services, Inc.

23 LOCAL RULE 5-4.3.4 ATTESTATION

24 I attest and certify that all other signatories listed, and on whose behalf this filing is
25 submitted, concur with the filing's content and have authorized the filing.

26 Dated: April 27, 2016

27 /s/William K. Hanagami
28 William K. Hanagami